

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
April 27, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, April 27, 2009.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Jill Souter  
Councilman Stan McCormick  
Councilman Bobby Rosenthal  
Councilman Bill Kiel  
Councilwoman Susan Harwell

Also attending were:

Assistant City Manager/Public Works Director Shawn P. Eddy  
City Attorney Mike Brenan  
Assistant to City Manager/Information Technology Manager Marian Ramirez  
Finance Director Cynthia Barr  
Community Development Director Ann McGlone  
Human Resource Manager/Deputy City Secretary Judith E. Surratt  
City Secretary Jennifer Reyna  
Fire Chief Bill Hagendorf  
Police Chief Rick Pruitt

Absent was:

City Manager Rebecca Waldman

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Mayor Louis Cooper opened the meeting at 5:35 p.m.

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Mayor Cooper announced that City Manager Becky Waldman was not present due to the passing of her mother.

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Assistant to City Manager/Information Technology Manager Marian Ramirez reminded City Council, staff and citizens of the established procedures governing the conduct of a city council meeting. Briefly discussed were sign-up sheets, time limits, expected conduct, and addressing City Council.

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Councilman Bobby Rosenthal recognized the presence of Boy Scouts of America, Troop # 809 in the audience. Councilman Rosenthal explained they were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge.

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Mayor Pro Tem Jill Souter requested the minutes be corrected to accurately reflect the water leak mentioned at the April 13, 2009 City Council meeting that occurred in the alley of Wildrose Avenue and Blue Bonnet Ave, near North New Braunfels Avenue. A water leak was reported by an Alamo Heights resident, the leak continued for 3 weeks. Due to the longevity of the water leak, the water eroded the base and created a large cavity. The water that filled the cavity created an enormous amount of pressure - and it was this water pressure and the lack of support by base material that blew out the sewer line at the alley and New Braunfels intersection.

Mayor Cooper asked City Council for any other corrections to the minutes of the April 13, 2009, City Council Meeting. A motion was made by Councilman Stan McCormick to approve the minutes of April 13, 2009 as amended. The motion was seconded by Mayor Pro Tem Souter and passed by unanimous vote.

Mayor Cooper asked City Council for any corrections to the minutes of the April 15, 2009, Work Session Meeting. A motion was made by Councilman Rosenthal to approve the minutes of April 15, 2009. The motion was seconded by Councilman McCormick and passed by unanimous vote.

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*Item # 2      City Manager's Report*

- a. Recognition of Heather Ward, Telecommunicator of the Year awarded by Bexar Metro 9-1-1 District – Rick Pruitt, Police Chief

Police Chief Rick Pruitt recognized Heather Ward for receiving the “2009 Telecommunicator of the Year Award” from the Bexar Metro 9-1-1 District. Ms. Ward was recognized for her proficiency as an emergency call handler when she was able to locate a distraught caller’s location and direct emergency service providers using only the coordinates provided by the caller’s cellular telephone provider.

Mayor, City Council and the audience gave Ms. Ward a standing ovation for her determination and dedication.

- b. Suspicious Activity Information Neighborhood Team (S.A.I.N.T.) Program – Rich Pruitt, Police Chief

Police Chief Rick Pruitt announced launching of the S.A.I.N.T. Program. This program is to heighten the awareness to report suspicious activity and promote community involvement toward prevention of criminal activity.

Crime Prevention notebooks are available at the Alamo Heights Police Department and the Alamo Heights Communications Office. Notebooks are also available from an Alamo Heights Police Officer. Information about the S.A.I.N.T. Program was in the April 2009 newsletter and is displayed on the city's website.

Mayor Cooper asked Police Chief Rick Pruitt about the outcomes of Alamo Heights Night and the Pooch Parade. Police Chief Rick Pruitt reported that there were no incidents to report for both events and that they were a success.

c. Update on the Comprehensive Plan – Ann McGlone, Community Development Director

Community Development Director Ann McGlone reminded City Councilmembers and citizens of the upcoming dates of the neighborhood meetings scheduled for the week of April 27<sup>th</sup>. All of the neighborhood meetings will be at the Council Chambers, 6120 Broadway.

The citizens of Alamo Heights have been notified via mailed postcards. The dates of the neighborhood meetings are as follows:

Sylvan Hills	April 28	5:00 – 6:30 p.m.
Bluebonnet Hills	April 28	7:00 – 8:30 p.m.
Patterson/Cambridge	April 29	5:00 – 6:30 p.m.
LaJara	April 29	7:00 – 8:30 p.m.
Madeline/Montclair	April 30	5:00 – 6:30 p.m.
Cottage District	April 30	7:00 – 8:30 p.m.

The Comprehensive Plan is scheduled for public hearings at the Planning and Zoning Commission meeting on May 4<sup>th</sup> and City Council meeting on May 11<sup>th</sup>, and for action by the Planning and Zoning Commission on May 18<sup>th</sup> and City Council on May 26, 2009.

d. Update on the schedule and competitive processes for proposed facilities – Shawn P. Eddy, Assistant City Manager/Public Works Director

Assistant City Manager/Public Works Director Shawn P. Eddy provided an update on the schedule for the proposed city facilities. With the assistance and consultation of Project Control, the Facility Committee is conducting a competitive process to select a Construction Manager-At-Risk to act as the general contractor and provide the City with pre-construction services. Project Control and staff are also conducting competitive processes to select firms to provide cost estimating services and geotechnical engineering and material testing services.

Mr. Eddy informed the City Councilmembers that Lake/Flato is scheduled to complete the schematic design of the facilities by May 29, 2009. In early June, the Facilities Committee and the Citizens Advisory Group (CAG) will review the schematic design of the facilities and the first estimate of the construction cost.

On June 15, a public work session will be conducted to review the schematic design for the facilities and the first estimate of construction cost will be presented. Financing options may

be discussed at the work session. Tentatively scheduled on June 22, 2009 is the public hearing for the consideration of a resolution of intent to finance the construction of the facilities.

Madelon Highsmith, 323 Cloverleaf Avenue, asked about the estimation of cost and scope process of the city facilities. She recommended the City provide an incentive for the Construction Manager-At-Risk in order to be part of the complete process.

Mayor Cooper expressed that the City of Alamo Heights wants to ensure the best approach is taken into consideration for this project.

John Joseph, 206 Joliet, questioned why the City needed to select a general contractor this early in the process if they were going to use competitive bids for the construction work.

Mr. Eddy responded that the Construction Manager-At-Risk will provide pre-construction services early in the process to review the constructability of the architectural design and provide periodic cost estimates of the construction cost.

Mayor Pro Tem Souter asked Mr. Eddy to explain the competitive bidding processes that are proposed to be used by the City. Mr. Eddy reported that the Local Government Code provides either a one-step or two-step process for selecting a Construction Manager-At-Risk. The City of Alamo Heights, with the recommendation of Project Control, has elected to proceed with a two-step process. When the construction work is actually bid, the Construction Manager-At-Risk is part of the selection committee reviewing proposals unless they decide to bid for the work themselves.

Councilwoman Susan Harwell commented on the geotechnical fees, as she recalled it may be part of the Architect's fee. Mr. Eddy explained the process and responded that the geotechnical fees are not part of the Architect's fee and they are separate.

Councilwoman Harwell and Councilman Rosenthal expressed concern on the short timeframe between June 15<sup>th</sup> and June 22<sup>nd</sup> to determine the right schematic design and funding. Mr. Eddy responded that the CAG will make a recommendation on the funding options and that there will be additional opportunities to address any concerns with the project as well as the cost.

Councilman McCormick asked Mr. Eddy about the process to provide input on the design of the city facilities and what is being presented on June 15<sup>th</sup>. Community Development Director Ann McGlone addressed that on June 15<sup>th</sup>, the schematic design will consist of pieces, masses, office locations and most likely will not be detailed. Mr. Eddy responded that design input is welcomed.

The following citizens spoke on this matter:

Sarah Reveley, 436 Corona, requested that the parking schematics of the proposed city facilities be addressed at the work session on June 15, 2009.

Margaret Houston, 140 Patterson Avenue, asked if the 100,000 gallon water tower will stay as a permanent structure.

Mr. Eddy stated that there has been an expressed interest in keeping the water tower. Mayor Pro Tem Souter stated that the water tower has multi-purposes. Councilman Bill Kiel stated that there is research being conducted related to structural integrity.

Margaret Spencer, 140 Patterson Avenue, asked if the fence around the Public Works yard would stay on the property. Mr. Eddy confirmed that the fence is a permanent structure.

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Item # 2e      **Update on the Strategic Action Plan for FY 2008/FY 2009 and presentation of proposed FY 2010 Strategic Action Plan**

Mayor Cooper announced that Item #2e was postponed until the May 11, 2009 City Council meeting.

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*Citizens To Be Heard Concerning Non-Agenda Items*

Suzy Bettac, 126 Rosemary Avenue, expressed her concerns about the submittal of a request for exception to TCEQ rules without the approval of the entire City Council. She also commented on the apparent lack of communication between staff and the City Council and suggested that perhaps the City Council should rescind the submittal until all possible options could be more fully explored.

Peter Turnbull, 133 Kennedy Avenue, suggested the City re-use the temporary building as administration offices to avoid additional construction cost. Mr. Turnbull expressed concern on the increased budget on the temporary building and the water tower. Mr. Turnbull encouraged the City to utilize what the City of Alamo Heights currently has and to thoroughly explore all available options.

Hans Rohl, 215 Retama Place, recommended coordination with Texas State Representative Joe Straus and Texas State Senator Jeff Wentworth to “grandfather” our current water/sewer lines or to hire a lobbyist firm to address the issues with TCEQ.

May O’Neal, 434 Abiso Avenue, expressed concern on the total costs of Capital Improvement Projects (CIP) that were presented in 2007 and the update presented at the April 13, 2009 City Council meeting.

Sarah Reveley, 436 Corona Avenue, requested a designated time when City Councilmembers may address questions from citizens. Ms. Reveley inquired if citizens may place items on future City Council agendas.

Carol Duganne, 200 Cloverleaf Avenue, expressed concern with the scope and cost of relocating water and sewer lines. Ms. Duganne is also concerned with the current procedure of communication between staff and City Council.

Lynn Walthall, 275 E. Fair Oaks Place, expressed concern with the relocation of water and sewer lines and offered assistance.

Madelon Highsmith, 323 Cloverleaf Avenue, expressed concern with the city's charter, level of expectations, the timeframe to comply with TCEQ on the water/sewer issue, and the City's topography and structural issues. Ms. Highsmith also offered assistance.

John Joseph, 206 Joliet, expressed his concerns about the lack of communication between staff and City Council. Mr. Joseph pointed out the tremendous increase in the cost of the new elevated water tank from the original cost noted by staff when the City Council was considering the certificates of obligation. He also commented that the city council agenda was difficult to find on the city's website.

Clarence Balser, 401 Ogden Lane, questioned the need for an independent cost estimator.

Margaret Houston, 140 Patterson Avenue, apologized for her emotional outbursts at the April 13, 2009 City Council meeting. Ms. Houston questioned if there was a violation of the Open Meetings Act when staff presented the water and sewer issues during a regular CIP update. She was also concerned that the Mayor was not provided information concerning the water/sewer compliance issue prior to a proposed plan being sent to TCEQ.

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#### Consent Items

*Item # 4* Mayor Cooper read the following captions.

**Request for permission to refund duplicate or erroneous property tax payments to Harrigan Court Ltd, overpayments due to valuation decrease by Bexar Appraisal in the amounts listed**

111 Katherine Court	\$ 537.05
119 Katherine Court	\$ 451.69
131 Katherine Court	<u>\$ 398.34</u>
Total	\$ 1,387.08

*Item # 5* **Request for permission to refund a duplicate or erroneous property tax payment to GMAC on behalf of, owners of property at 107 Marcia, in the amount \$830.58**

Staff recommendation was approval of each consent item. A motion for approval was made by Councilwoman Harwell to approve consent item # 4 and item # 5. The motion was seconded by Mayor Pro Tem Souter and passed by unanimous vote.

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Items for Individual Consideration

Item # 6 Mayor Cooper read the following caption.

**ORDINANCE NO. 1820**

**AN ORDINANCE AUTHORIZING THE ADOPTION OF A NEW  
WATER CONSERVATION PLAN AND APPROVING THE  
SUBMITTAL OF THE PLAN TO THE TEXAS WATER  
DEVELOPMENT BOARD AS REQUIRED BY SECTION 13.146 OF  
THE TEXAS WATER CODE**

Assistant City Manager/Public Works Director Shawn P. Eddy presented the proposed Water Conservation Plan. In the PowerPoint presentation, supply and demand side measures were addressed that included: toilet replacement program, customer water use, conservation retrofit program and public outreach and education program. Staff recommended approval to submit to the Texas Water Development Board for their review.

The Water Conservation Plan is available on the City's website.

The toilet replacement program recommended a partnership with Morrison Supply Company and Caroma, Inc. to provide vouchers for the purchase of water-efficient replacement toilets at a reduced cost. In addition, residents would qualify for a \$50.00 water bill credit with an original proof of purchase of any qualifying water-efficient toilet.

To qualify for the program, toilets would need to be High Efficiency Toilets (HET) as defined by the Environmental Protection Agency (EPA), utilizing no more than 1.28 gallons per flush and have a flush rating of 500 grams or better.

Mr. Eddy provided a short demonstration on a Caroma model dual-flush toilet.

Councilwoman Harwell and Councilman McCormick questioned if any of the water rates have changed. Mr. Eddy reported that there are no new fees. The water rights acquisition fee was converted to a water conservation fee as part of the FY 2009 annual operating budget.

Mr. Eddy informed City Council that the City will provide vouchers for the toilet replacement program and make distribution in a timely manner.

There was discussion by Councilmembers Kiel and McCormick regarding plumbers. Councilman Kiel stated the City would not charge an additional fee to the customer, however, reminded the citizens that plumbers charge fees to install toilets.

Councilmembers Kiel and Harwell stated that implementing the conservation plan is more cost effective than purchasing water rights. Councilwoman Harwell stated that it would be ideal if the City's water conservation plan becomes a model for other cities. Councilman Kiel stated this plan will be an investment in conserving water.

Mr. Eddy stated that efficient showerheads and faucet aerators will be distributed as part of the proposed water conservation audits and will also be available to customers at no cost. Mr. Eddy reported that customer water use audits will be through an interlocal agreement with the San Antonio Water System (SAWS). Mr. Eddy assured City Council that the City of Alamo Heights would contact the customer regarding recommendations from the audit addressing water conservation.

Councilman McCormick questioned the need for the conservation plan to be submitted to the Texas Water Development Board. Mr. Eddy responded that the City is required by the Texas Legislature to submit a plan to the Texas Water Development Board.

Mr. Eddy discussed the public outreach to include the city's website and newsletter.

Councilwoman Harwell stated she has heard a lot of positive feedback concerning the toilet replacement plan and citizens are waiting for implementation of this program.

A motion for approval was made by Councilwoman Harwell. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

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*Item # 7* Mayor Cooper read the following caption.

#### **ORDINANCE NO. 1821**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT VARIOUS PROPOSALS TO RAISE THE STREET TREE CANOPY WITHIN THE BLUEBONNET HILLS, MONTCLAIR, MADELEINE TERRACE, HARRIGAN, ARGO AND TMI, COTTAGE DISTRICT, CAMBRIDGE OVAL AND LOOP NEIGHBORHOODS, FINDING THAT SUCH WORK IS NECESSARY FOR PUBLIC SAFETY, AND AUTHORIZING THE CITY MANAGER TO EXPEND NO MORE THAN \$105,000 FOR SUCH TREE CANOPY PRESERVATION WORK FROM THE UNRESERVED BALANCE OF THE GENERAL FUND**

Community Developer Director Ann McGlone presented a PowerPoint presentation regarding the Tree Canopy Preservation Program and the proposals received from qualified tree



service vendors. Staff recommended approval for the City Manager to authorize and execute all documents necessary and appropriate to acquire such services. The Tree Preservation Program is administered by the Community Development Department.

The City selected Bartlett Tree Experts, Tree Wisemen, Preferred Landscaping and Davey Trees Service to raise the tree canopies within the Bluebonnet Hills, Montclair, Madeleine Terrace, Harrigan, LaJara, Cottage District, Cambridge Oval and Patterson Loop neighborhoods.

Mayor Cooper asked how La Jara would be handled regarding tree canopies and growth. Ms. McGlone stated she will be having a meeting in the neighborhood prior to work being done to educate residents on the tree canopy program. When large limbs need to be removed, the City will personally contact the owners to discuss the issues. The health of the entire urban forest will be emphasized. The City does not anticipate any problems on the northbound side of La Jara and will work closely with neighbors on the southbound side of the street to resolve any conflicts.

Ms. McGlone shared the notification letter and information bulletin to be mailed prior to beginning service.

Councilman Kiel asked if there was a certain height for the trees for a canopy. Mr. Eddy stated that there is a specific height--13.6 feet and it is mandated by the National Fire Code.

Mayor Pro Tem Souter complimented Ms. McGlone and informed her about the positive feedback from the citizens.

A motion for approval was made by Councilman McCormick. The motion was seconded by Councilman Kiel and passed by unanimous vote.

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*Item # 8* Mayor Cooper read the following caption.

#### **ORDINANCE NO. 1822**

#### **AN ORDINANCE DESIGNATING THE *NORTH CENTRAL NEWS* AS THE OFFICIAL NEWSPAPER FOR THE CITY OF ALAMO HEIGHTS**

City Secretary Jennifer Reyna made a PowerPoint presentation proposing to designate another community newspaper, *North Central News* as the official newspaper for the City of Alamo Heights. Staff recommended approval.

Ms. Reyna informed the City Council that Thursday, April 27<sup>th</sup> is the last publication issue for the *North San Antonio Times*. Currently, *North Central News* serves the communities of Castle Hills, Hill Country Village, Hollywood Park, Olmos Park, Shavano Park, Stone Oak and Terrell Hills.

Councilwoman Harwell asked if there is an automatic insert of the *North Central News* in the *San Antonio Express-News* Thursday edition. Ms. Reyna confirmed that effective, Thursday, May 7<sup>th</sup>, *North Central News* will be inserted to serve the Alamo Heights community area.

Mayor Pro Tem Souter asked if other newspapers were considered and how will the citizens obtain their subscription. Ms. Reyna replied that three other newspapers were considered and encouraged citizens that are solely current *North San Antonio Times* subscribers to call the San Antonio Express-News Circulation or may contact the City Secretary for details on changing subscription.

A motion for approval was made by Councilwoman Harwell. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

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Closed Session

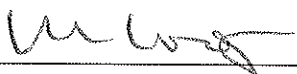
At 8:39 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

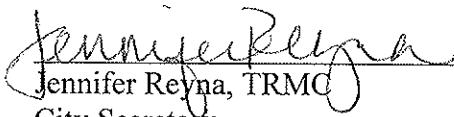
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Mayor Cooper reconvened the regular meeting at 9:09 p.m. There was no action taken during the closed session.

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There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilman McCormick made a motion to adjourn, seconded by Councilwoman Harwell and the motion was unanimously approved. Mayor Cooper adjourned the meeting at 9:10 p.m.

  
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Louis Cooper  
Mayor

  
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Jennifer Reyna, TRMC  
City Secretary